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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,493	07/16/2003	Walter Brandenburger	331.1035	9068
23280	7590	05/19/2005	EXAMINER	
DAVIDSON, DAVIDSON & KAPPEL, LLC			TO, TOAN C	
485 SEVENTH AVENUE, 14TH FLOOR			ART UNIT	
NEW YORK, NY 10018			PAPER NUMBER	

3616

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/620,493

Applicant(s)

BRANDENBURGER, WALTER

Examiner

Toan C To

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 11 is/are rejected.
- 7) ☒ Claim(s) 6-10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

1. The amendment to the drawing filed on February 17, 2005 is acknowledged, and the replacement sheet of the drawing have been approved and entered in the file of record.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Rogala et al (U.S. 6,575,484).

As to claims 1-3, and 11, Rogala et al discloses a hydropneumatic axle suspension having an adjustable axle-spring rate for front axle of tractor, comprising: a first hydropneumatic accumulator (60); a hydraulic suspension cylinder (22) having a cylinder chamber (26) and an annular space (24); a first pressure-regulated suspension circuit connecting the cylinder chamber (26) to the first hydropneumatic accumulator (60); a level-control device (as disclosed in columns 3-4, the controller 68 receives signal from the pressure sensor 62 and position sensor 69 to determine whether the suspension needs to be raised or lowered in response to the load change, therefore, the

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controller 68 is considered to correspond to a level-control device) for regulating a pressure in the first suspension circuit; a second hydropneumatic accumulator (54); a second pressure-regulated suspension circuit connecting the annular space (24) to the second hydropneumatic accumulator (54); and an electromagnetic actuator/a proportional pressure-regulating valve (40 or 56) configured to automatically change the axle spring rate according to a predefined control mode (either of a double acting suspension mode or a regeneration suspension mode); an electronic control unit (controller 68 is also an electronic control unit) linked to the electromagnetic actuator/ a proportional pressure-regulating valve (40) and configured to process electronic measured data (signal from pressure sensor 62 and a position sensor 69); wherein the axle-spring rate is adjustable between a first and a second predefined spring rate (axle spring rate is adjustable between the double acting suspension mode and a regeneration suspension mode) using external control signals (signal from pressure sensor 62 and a position sensor 69).

As to claims 4-5, Rogala et al discloses a hydropneumatic axle suspension; wherein the proportional pressure regulating valve (40 or 56) configured to proportionally regulate the axle spring rate between a first and second constant pressure values and further configured to regulate the axle spring rate to a selectable constant pressure (see figure 3).

***Allowable Subject Matter***

4. The indicated allowability of claims 4-5 is withdrawn in view of the newly discovered reference(s) to Rogala et al. Rejections based on the newly cited reference(s) as indicated above.

5. Claims 6-10 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

6. Applicant's arguments with respect to claims 1-3 and 11 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan C To whose telephone number is (571) 272-6677. The examiner can normally be reached on Mon-Fri (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTo  
May 12, 2005

 5/16/05  
PAUL N. DICKSON  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

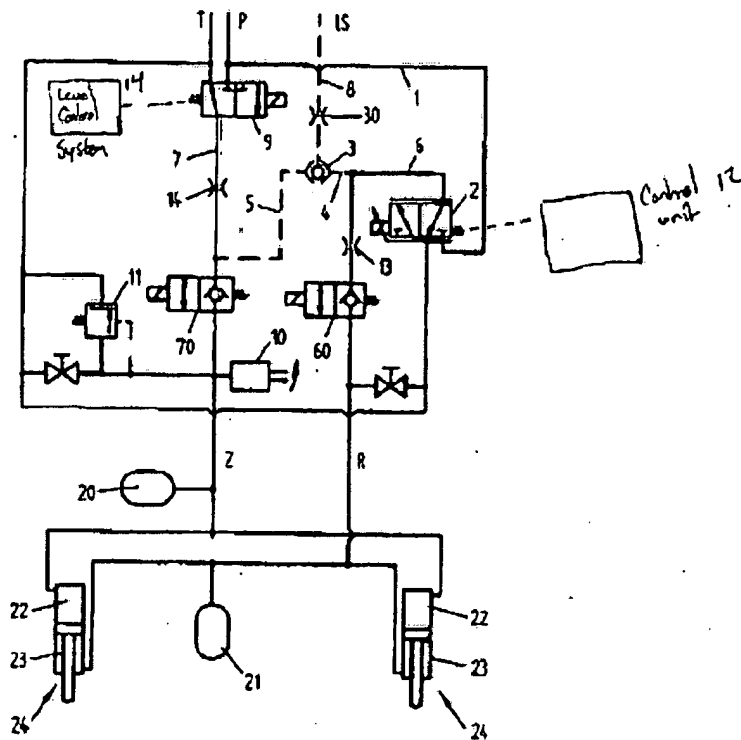


Fig. 2

